

IN RE:

LARRY P. NEWBERRY and
CATHLEEN A. NEWBERRY
Debtors

: Case No. 18-10899
:
: Chapter 13
: Related to Doc filed 9/09/2021

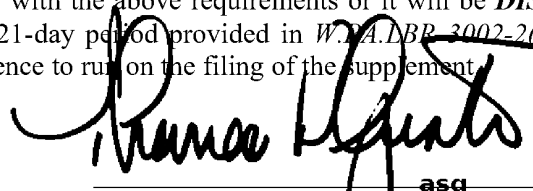
ORDER

On September 9, 2021, a *Notice of Postpetition Mortgage Fees, Expenses, and Charges*, Official Form 410S2, was filed in this case by The Bank of New York Mellon, regarding Claim No. 2 (“Notice”). The Court has determined that the *Notice* does not have sufficient supporting material to meet the minimum standards of *Fed.R.Bankr.P. 3002.1(d)* and therefore it must be supplemented, or it will be dismissed.

In order to meet the minimum standard expected of a *Notice* pursuant to *Rule 3002.1(d)*, and to protect debtors from potential overreaching or unreasonable claims for attorney fees and other expenses [see generally, *Elmer and Teresa Reitz*, Case No. 17-10696-TPA, January 3, 2018 *Order to Show Cause* (Doc. No. 40) and January 30, 2018 *Order* (Doc. No. 45.)], the Court has determined that a Party filing such a *Notice* must make every reasonable effort to include all of the following with the *Notice*:

- (a) A computation of the mortgage fees, expenses, and charges.
- (b) A complete and accurate loan payment history.
- (c) Where attorney, or other professional fees are sought, a description of the services that were provided and the fees charged for those services in a form consistent with *W Pa LBR 2016-1*.
- (d) For all other expenses, a payment receipt or other similar documentation supporting the expenditure.
- (e) After exercising the appropriate due diligence in complying with the foregoing, in the event any of the foregoing cannot be produced, an identification of the reasons for non-production, along with a detailed statement explaining the efforts made in attempting to do so.
- (f) A Declaration affirming the veracity and accuracy of the foregoing.

AND NOW, this 10th day of September, 2021, in light of the above considerations, a review of the *Notice* filed in this case indicates deficiencies in one or more respects, therefore, it is hereby **ORDERED, ADJUDGED and DECREED** that: (1) **on or before October 1, 2021**, The Bank of New York Mellon shall supplement them to comply with the above requirements or it will be **DISMISSED** without further notice or hearing; and, (2) the 21-day period provided in *W.D.A.LBR 3002-2(b)* for the Debtor(s) to respond is **STAYED** but will commence to run on the filing of the supplement.



Thomas P. Agresti, Judge
United States Bankruptcy Court

c: Ronda Winnecour, Esq., Trustee
Counsel for the Debtors
Debtors
Creditor and/or Atty

In re:
Larry P. Newberry
Cathleen A. Newberry
Debtors

Case No. 18-10899-TPA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1
Date Rcvd: Sep 10, 2021

User: dpas
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 12, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Larry P. Newberry, Cathleen A. Newberry, 28 Harley Avenue, Albion, PA 16401-1902

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 12, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 10, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor DITECH FINANCIAL LLC bnicholas@kmllawgroup.com
Brian Nicholas	on behalf of Creditor Ditech Financial LLC as servicer for The Bank of New York Mellon Trust Company N.A., as successor to BNY Midwest Trust Company, BNY Midwest Trust Company, as successor Harris Trust and Savings Bank, bnicholas@kmllawgroup.com
Brian Nicholas	on behalf of Creditor The Bank of New York Mellon Trust Company N.A., as successor to BNY Midwest Trust Company, BNY Midwest Trust Company, as successor Harris Trust and Savings Bank, as Trustee, of Bombardier Capital Mor bnicholas@kmllawgroup.com
Joshua I. Goldman	on behalf of Creditor The Bank of New York Mellon josh.goldman@padgettlawgroup.com angelica.reyes@padgettlawgroup.com

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User: dpas

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Total Noticed: 1

Kenneth M. Steinberg

on behalf of Joint Debtor Cathleen A. Newberry julie.steidl@steidl-steinberg.com
kenny.steinberg@steidl-steinberg.com;cgoga@steidl-steinberg.com;jbarlow@steidl-steinberg.com;leslie.nebel@steidl-steinberg.c
om;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@steidl-steinberg.com

Kenneth M. Steinberg

on behalf of Debtor Larry P. Newberry julie.steidl@steidl-steinberg.com
kenny.steinberg@steidl-steinberg.com;cgoga@steidl-steinberg.com;jbarlow@steidl-steinberg.com;leslie.nebel@steidl-steinberg.c
om;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@steidl-steinberg.com

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteewdpa.com

TOTAL: 8